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HOWARD HANSON
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5 Attorney for Defendant and Cross-Complainant
GERALD ARMSTRONG

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF MARIN

9 CHURCH OF SCIENTOLOGY INTERNATIONAL,)
10 a California not-for-profit)
religious corporation,)
11)
Plaintiff,)
12)
13 vs.)
14 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
15 a California for-profit)
corporation; DOES 1 through 100,)
inclusive,)
16)
Defendants.)
17)

No. 157 680

DECLARATION OF FORD GREENE
IN SUPPORT OF MOTION TO
COMPEL FURTHER RESPONSES
TO REQUESTS FOR PRODUCTION
AND FOR MONETARY SANCTIONS

Date: 7/1/94
Time: 2:30 p.m.
Dept: Referee Benz
Trial Date: 9/29/94

18 FORD GREENE declares:

19 1. I am an attorney licensed to practice law in the Courts
20 of the State of California and am the attorney of record for
21 Gerald Armstrong, defendant and Cross-Complainant herein.

22 2. On March 21, 1994 I caused to be served on plaintiff
23 Church of Scientology International Defendant Gerald Armstrong's
24 First Set of Requests for Production.

25 3. On or about April 15, 1994, plaintiff served its
26 responses thereto. Certain of said responses contain objections,
27 or are otherwise incomplete, evasive or inadequate as set forth in
28

1 the Separate Statement of Requests and Responses in Dispute,
2 served and filed herewith. As to said requests for production
3 plaintiff has failed to state its willingness to comply with said
4 demands or has made an inadequate and incomplete representation of
5 its inability to comply therewith, or has made an objection to
6 compliance that is without merit, all as set forth in the separate
7 statement served herewith.

8 4. Plaintiff should be ordered to produce the documents
9 described in the request for production or otherwise respond
10 thereto in the manner required by CCP § 2031 because each of the
11 matters is relevant to the subject matter of this action and is
12 not privileged or otherwise exempt from discovery, and because
13 good cause exists for the production of each of the matters sought
14 to be discovery in that the documents described in said requests
15 are under the sole actual or constructive control of plaintiff and
16 the moving party has no other way of inspecting the same in order
17 to prepare this case for trial and also to evaluate the claims of
18 plaintiff for settlement purposes and for the reasons set forth in
19 the Declaration of Gerald Armstrong filed herewith as well as for
20 the reasons set forth in the separate statement.

21 5. I am informed that each of the responses and objections
22 were prepared for plaintiff by its attorneys, Laurie J. Bartilson
23 of Bowles and Moxon, and by Andrew Wilson of Wilson, Ryan and
24 Campolongo, and that each of said objections were made upon the
25 advice of said attorneys.

26 6. Plaintiff's refusal to fully respond answer said
27 requests for production and the advice of the aforesaid attorneys
28 was without substantial justification because each request is

1 relevant to the subject matter of this lawsuit, because said
2 requests have not been propounded to harass, oppress or annoy, and
3 because each request is clear and unambiguous.

4 7. Prior to the filing of the motion to compel further
5 responses, I made an attempt to resolve with Laurie J. Bartilson
6 the disputed issues arising from the objections by writing her a
7 letter which I faxed to her on June 3, 1994 to which I attached
8 the substance of the Separate Statement of Requests and Responses
9 in Dispute. Said attempt was unsuccessful and all of the issues
10 remain unresolved and in dispute.

11 8. As a result of the refusal to respond, defendant has
12 incurred and will incur reasonable costs and attorneys fees in
13 connection with this motion and the hearing thereon which will be
14 totaled in a subsequent declaration.

15 Under penalty of perjury pursuant to the laws of the State of
16 California I hereby declare that the foregoing is true and correct
17 according to my first-hand knowledge, except those matters stated
18 to be on information and belief, and as to those matters, I
19 believe them to be true.

20 Executed on June 6, 1994, at San Anselmo, California

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23 FORD GREENE
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